

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAMI L. AGUSTIN,)
Plaintiff,) CIVIL NO. 3:20-cv-05893-RAJ
vs.) **PROPOSED ORDER**
COMMISSIONER OF SOCIAL SECURITY,)
Defendant)

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgement on June 23, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review

ORDER FOR EAJA FEES - 1

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1 of the stipulation and the record, the Court determines that Plaintiff is the prevailing
2 party, the government's position was not substantially justified, and that the itemization
3 of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are
4 met.

5 Having thoroughly considered the parties' briefing and the relevant record, the
6 Court hereby GRANTS the motion and awards Plaintiff \$6,591.21 in attorney's fees,
7 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560
8 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be made payable to David Oliver
9 and sent to Plaintiff's attorney: David Oliver at David Oliver & Associates, 2608 South
10 47th Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to
11 Plaintiff's attorneys, David Oliver at David Oliver & Associates, if the Commissioner
12 confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset
13 program.

14 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is
15 GRANTED;

16 DATED this the 12th day of January, 2022.

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The Honorable Richard A. Jones
United States District Judge